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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,610	09/25/2006	Simcha Gendelman	4529/97323	5371

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EXAMINER

KANERVO, VIRPI H

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3691

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,610	Applicant(s) GENDELMAN, SIMCHA	
	Examiner VIRPI H. KANERVO	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 16, 17, 19, 20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, 17, 19, 20 and 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

1. Claims 11-14, 16-17, 19-20, and 23-30, are presented for examination. Applicant filed a Request for Continued Examination on 03/08/2010 amending claims 11, 14, 19-20, and 23. In light of Applicant's amendment, Examiner has withdrawn the grounds of the § 103 rejection. However, Examiner has established new grounds of § 103 rejection for claims 11-14, 16-17, 19-20, and 23-30, in the instant Office action necessitated by Applicant's amendments of the claims.

Response to Arguments

2. Examiner has carefully considered Applicant's arguments directed to the § 103 rejection of claims 11-14, 16-17, 19-20, and 23-30, but finds them moot in view of the new grounds of § 103 rejection established in the instant Office action necessitated by Applicant's amendment of the claims.
3. Applicant is reminded that the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms

used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional, but does not require steps to be performed and/or does not limit a claim to a particular structure, does not limit the scope of a claim or claim limitation. The following is an example of language that may raise a question as to the limiting effect of the language in a claim: statements of intended use or field of use. See MPEP 3106 [R-6] II.C. Here, for example, the language of claim 11 recites: “an input device, operative to receive” and “a processor, operative to identify and to communicate”. “An input device, operative to receive” and “a processor, operative to identify and to communicate” are statements of intended use or field of use, and thus suggests or makes optional, but does not require steps to be performed and/or does not limit a claim to a particular structure. Thus, they do not limit the scope of a claim or claim limitation. Therefore, this subject matter does not have to be examined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 14, 20, and 23-25, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koppel (2002/0026418 A1) in view of Walker (2003/0027635 A1).

As to claim 11, Koppel shows an input device (Koppel: page 4, ¶ 57; and Fig. 10) operative to receive prepaid card identification indicia from a prepaid card issued to a customer by a prepaid card issuer when said prepaid card is presented in payment by said customer, said prepaid card issuer having a credit card account identified by credit card account information (Koppel: page 2, ¶ 38; and page 3, ¶ 44; note that this is a statement of intended use or a field of use); and a processor (Koppel: page 4, ¶ 57; and Fig. 10) operative using said prepaid card identification indicia to identify said credit card account information, said credit card account information being different from said prepaid card identification indicia, and to communicate said credit card account information to a server which is operative to process a credit card transaction, charging said payment to said credit card account (Koppel: page 2, ¶¶ 39-41; note that this is a statement of intended use or a field of use).

Koppel does not show that credit card account information is a credit card number. Walker shows that credit card account information is a credit card number (Walker: page 3, ¶ 42). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel

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by credit card account information being a credit card number of Walker in order to providing method of payment (Walker: page 3, ¶ 42).

As to claim 14, Koppel in view of Walker shows all the elements of claim 11. Koppel also shows that said processor is operative to verify validity of said prepaid card identification indicia prior to processing said credit card transaction (Koppel: page 3, ¶ 44; note that this is a statement of intended use or a field of use).

As to claim 20, Koppel in view of Walker shows all the elements of claim 11. Koppel also shows that said point of sale terminal receives, from a remote server, said credit card number (Koppel: page 2, ¶ 41; page 4, ¶ 57; and Fig. 10).

As to claim 23, Koppel in view of Walker shows all the elements of claim 11. Koppel also shows that said point of sale terminal is operative to transmit information to a credit card transaction clearinghouse, said information including said credit card number (Koppel: page 2, ¶ 41; page 4, ¶ 57; and Fig. 10; note that this is a statement of intended use or a field of use).

As to claim 24, Koppel in view of Walker shows all the elements of claim 11. Koppel also shows that said credit card account is associated with a plurality of said prepaid cards (Koppel: page 2, ¶ 39).

As to claim 25, Koppel in view of Walker shows all the elements of claim 11. Koppel also shows that said processor is operative to enable said credit card number to be accessed at said point of sale terminal using said prepaid card identification indicia (Koppel: page 2, ¶ 39; and page 3, ¶ 44; note that this is a statement of intended use or a field of use).

6. Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Koppel in view of Walker, and further in view of Maier (2003/0102376 A1).

As to claim 26, Koppel in view of Walker shows all the elements of claim 11. Koppel in view of Walker does not show that said processor is operative to enable said credit card number to be identified at said point of sale terminal by accessing a lookup table based on said prepaid card identification indicia. Meier shows that said processor is operative to enable said credit card number to be identified at said point of sale terminal by accessing a lookup table based on said prepaid card identification indicia (Meier: page 2, ¶ 29; note that this is a statement of intended use or a field of use). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by said processor being operative to enable said credit card number to be identified at said point of sale terminal by accessing a lookup

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table based on said prepaid card identification indicia of Meier in order to provide card identifier indicator (Meier: page 1, ¶ 8).

7. Claims 12-13, 16-17, 19, 27-28, and 30, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Koppel in view of Walker, and further in view of Wu (2003/0046249 A1).

As to claim 12, Koppel in view of Walker shows all the elements of claim 11. Koppel in view of Walker does not show that said input device is a card reader. Wu shows that said input device is a card reader (Wu: page 3, ¶ 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by said input device being a card reader of Wu in order to provide means for reading the data contained on the prepaid card (Wu: page 3, ¶ 34).

As to claim 13, Koppel in view of Walker shows all the elements of claim 11. Koppel in view of Walker does not show that said input device is a keyboard. Wu shows that said input device is a keyboard (Wu: page 3, ¶ 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by said input device being a keyboard of Wu in order to permit the customer to input information concerning the purchase of the prepaid card (Wu: page 3, ¶ 34).

As to claim 16, Koppel in view of Walker shows all the elements of claim 11. Koppel in view of Walker does not show a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card. Wu shows a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card (Wu: page 3, ¶ 34; note that this is a statement of intended use or a field of use). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card of Wu in order to permit the network interface device of the terminal to communicate and connect with authorized remote servers located on the global communications network such as Internet (Wu: page 3, ¶ 34).

As to claim 17, Koppel in view of Walker, and further in view of Wu, shows all the elements of claim 16. Koppel in view of Walker does not show that said remote server is operative to communicate information regarding a balance remaining on said prepaid card, via said communicator, to said terminal. Wu shows that said remote server is operative to communicate information regarding a balance remaining on said prepaid card, via said communicator, to said terminal (Wu: Fig. 2; and page 4, ¶¶ 40-41; note that this is a statement of intended use or a field of

use). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by said remote server being operative to communicate information regarding a balance remaining on said prepaid card, via said communicator, to said terminal of Wu in order to permit the network interface device of the terminal to communicate and connect with authorized remote servers located on the global communications network such as Internet (Wu: page 3, ¶ 34).

As to claim 19, Koppel in view of Walker shows all the elements of claim 11. Koppel in view of Walker does not show a storage device for storing said credit card number. Wu shows a storage device for storing said credit card number (Wu: page 3, ¶ 34; note that this is a statement of intended use or a field of use). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker by a storage device for storing said credit card number of Wu in order to permit the network interface device of the terminal to communicate and connect with authorized remote servers located on the global communications network such as Internet (Wu: page 3, ¶ 34).

As to claim 27, Koppel in view of Walker, and further in view of Wu, shows all the elements of claim 16. Koppel also shows that said credit card number is stored at said remote server (Koppel: page 4, ¶ 57; and Fig. 10).

As to claim 28, Koppel in view of Walker, and further in view of Wu, shows all the elements of claim 16. Koppel also shows that said processor is operative to enable said credit card number to be accessed at said remote server using said prepaid card identification indicia (Koppel: page 4, ¶ 57; and Fig. 10; note that this is a statement of intended use or a field of use).

As to claim 30, Koppel in view of Walker, and further in view of Wu, shows all the elements of claim 16. Koppel also shows that said validity of said prepaid card relates to balance information (Knox: page 2, ¶ 40).

8. Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Koppel in view of Walker, further in view of Wu, and further in view of Maier.

As to claim 29, Koppel in view of Walker, and further in view of Wu, shows all the elements of claim 16. Koppel in view of Walker, and further in view of Wu, does not show that said processor is operative to identify said credit card number by sending said prepaid card identification indicia to a remote server which includes a lookup table. Meier shows that said processor is operative to identify said credit card number by sending said prepaid card identification indicia to a remote server which includes a lookup table (Meier: page 2, ¶ 29; note that this is a statement of intended use or a field of use). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to have modified the system of Koppel in view of Walker, and further in view of Wu, by said processor being operative to identify said credit card number by sending said prepaid card identification indicia to a remote server which includes a lookup table of Meier in order to provide card identifier indicator (Meier: page 1, ¶ 8).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flitcroft (2003/0028481 A1) discloses credit card system and method.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is 571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691